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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,160	12/17/2001	Michael Wayne Brown	AUS20010832US1	4008
34533	7590	06/16/2005	EXAMINER	
INTERNATIONAL BUSINESS MACHINES CORPORATION c/o BIGGERS & OHANIAN, LLP 504 LAVACA STREET, SUITE 970 AUSTIN, TX 78701-2856			HONG, HARRY S	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,160

Applicant(s)

BROWN ET AL.

Examiner

Harry S. Hong

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4-8-02; 7-13-04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 35, 41, and 79 are objected to because of the following informalities:
Please verify the dependency of claims 35, 41, and 79. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 7-13, 15-19, 22-28, 30-34, 36-40, and 42-79 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Pedersen (US 2002/0118807 A1; cited by the applicants and applied for the first time).

Regarding claims 1, 7, 8, 12, 43, 46, 49, 50, 56-67, the entire patent to Pedersen is directed to a method for identifying a context for a call where the claimed detecting a plurality of context clues for a call and identifying a context for the call from a plurality of context clues are clearly provided by the interaction manager 300 of Pedersen. Pedersen goes on to plainly teach that at least one party to the call is enabled to receive the context of the call. The central office switch of claim 46 has to be inherent to the communication infrastructure 150 of Pedersen. The claimed context inference service

of claims 46 and 56 is plainly provided by the interaction manager 300 of Pedersen. With respect to claims 59-67, the claimed telephony device reads on communication device 120 or 140. See paragraph [0026] with respect to the various output interface. See also Figs. 4 and 5.

Claim 2, see paragraph [0034] and [0046].

Claims 3 and 9, see paragraph [0054], lines 5 – 7, “communication device”, “mode of communication”.

Claim 4, see paragraph [0052], lines 8 – 16.

Claims 10, 11, 47, and 48, see paragraph [0024] – [0027].

Claims 13 and 15, see paragraph [0053], lines 7 – 15.

Claims 16-19, 22-28, 30, and 44 parallel the claims above and are thus taught by Pedersen in the same manner. The claimed context inference server reads on the interaction manager 300.

Claims 31-34, 36-40, 42, and 45 also parallel the claims above and are thus taught by Pedersen in the same manner. The claimed recording medium reads on the interaction manager 300.

Claims 51-55 parallel claims 46-50 and are thus taught by Pedersen in the same manner.

Claims 68-79 parallel claims 59-67 and are thus taught by Pedersen in the same manner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 5, 6, 14, 20, 21, 29, 35 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pedersen, as applied above, in view of Mayer (US 5,774,534; cited and applied for the first time).

Regarding claims 5, 6, 20, 21, and 35, Pedersen is silent with respect to the call context comprising geographical location. However, Mayer clearly teaches the call context comprising geographical areas/locations; see Abstract and Claims. Therefore, it would have been obvious even to one of ordinary skill in the art at the time of the invention to incorporate geographical areas/locations into the call context of Pedersen as taught by Mayer. Pedersen already teaches the call context comprising a general location, Mayer teaches a more precise determination of areas/locations.

Regarding claims 14, 29, and 41, Pedersen is silent with respect to handling a second call or another call during the original call. However, Mayer teaches handling a second call or another call during a call in a call context environment; see column 2, lines 29 - 37. Therefore, it would have been obvious even to one of ordinary skill in the art at the time of the invention to incorporate the second call feature of Mayer into the method and system of Pedersen. The advantages of such "call waiting" or "three way calling" features are well known in the telephony art. Mayer teaches their incorporation in a call context environment.

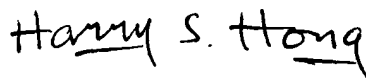
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anderson, Pinard et al., Gottlieb et al., and Sbisa et al. teach other aspects of identifying a context for a call.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry S. Hong whose telephone number is (571) 272-7485. The examiner is normally off on Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Harry S. Hong
Primary Examiner
Art Unit 2642

June 6, 2005